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4 BILL NO. S-77-11- 27

5 SPECIAL ORDINANCE NO. S- 266-77

6 AN ORDINANCE approving a contract with  
7 North Eastern Enterprises Inc., for  
8 Contract No. 7721.

9 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF  
10 FORT WAYNE, INDIANA:

11 SECTION 1. That the contract dated November 14, 1977,  
12 between the City of Fort Wayne, by and through its Mayor and the  
13 Board of Public Works and North Eastern Enterprises Inc., for:

14 To construct 2750+ feet of 12" and 3250+ ft. of 6"  
15 water mains, including all necessary fittings as fol-  
16 lows:

17 On Londonderry Lane from Maplecrest Road eastward to  
18 its terminus; also, on Chamsford Drive from London-  
19 derry Lane northward to the north property line of  
20 Lot #113. On Rockingham Drive from Londonderry Lane  
21 southward to the south property line of Lot #25. On  
22 Sullivan Court from Londonderry Lane southward to its  
23 Terminus. On Windham Court from Londonderry Lane  
24 southward to its terminus. On Saxton Run from the north  
25 property line of Lot #97 southward to the south property  
26 line of Lot #72, and on Rockcroft Court from Saxton Run  
27 eastward to its terminus, all in Hillsboro Addition, Sec. I.

28 for a total cost of \$82,475.00, of which the City will pay  
29 \$3,155.00, and it is also agreed that the City will pay the differ-  
30 ence between the cost of material, contractual labor, equipment,  
31 as supplied by the Contractor, the difference being \$21,695.00,  
32 all as more particularly set forth in said Contract which is on file  
33 in the Office of the Board of Public Works and is by reference in-  
34 corporated herein, made a part hereof and is hereby in all things  
35 ratified, confirmed and approved.

SECTION 2. This Ordinance shall be in full force and  
effect from and after its passage and approval by the Mayor.

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Councilman

APPROVED AS TO FORM  
AND LEGALITY, \_\_\_\_\_

CITY ATTORNEY

Read the first time in full and on motion by Burns, seconded by

Hunter, and duly adopted, read the second time by title and referred to the Committee on City Utilities (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

DATE: 11-12-77

Charles W. Winterman  
CITY CLERK

Read the third time in full and on motion by Burns, seconded by Hinga, and duly adopted, placed on its passage.

PASSED (~~LOST~~) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>8</u>	<u>0</u>	_____	<u>1</u>	_____
<u>BURNS</u>	<u>X</u>	_____	_____	_____	_____
<u>HINGA</u>	<u>X</u>	_____	_____	_____	_____
<u>HUNTER</u>	<u>X</u>	_____	_____	_____	_____
<u>MOSES</u>	<u>X</u>	_____	_____	_____	_____
<u>NUCKOLS</u>	<u>X</u>	_____	_____	_____	_____
<u>SCHMIDT, D.</u>	<u>X</u>	_____	_____	_____	_____
<u>SCHMIDT, V.</u>	_____	_____	_____	<u>X</u>	_____
<u>STIER</u>	<u>X</u>	_____	_____	_____	_____
<u>TALARICO</u>	<u>X</u>	_____	_____	_____	_____

DATE: 12-13-77

Charles W. Winterman  
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ZONING-MAP) (GENERAL) (ANNEXATION) (SPECIAL) (APPROPRIATION) ORDINANCE (RESOLUTION) No. 26677 on the 13th day of December, 1977.  
ATTEST: (SEAL)

Charles W. Winterman  
CITY CLERK

John Nuckols  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of December, 1977, at the hour of 11:00 o'clock A. M., E.S.T.

Charles W. Winterman  
CITY CLERK

Approved and signed by me this 16th day of December, 1977, at the hour of 1:00 o'clock \_\_\_\_\_ P. M., E.S.T.

Rafael Limchong  
MAYOR

Bill No. S-77-11-37

REPORT OF THE COMMITTEE ON CITY UTILITIES

We, your Committee on City Utilities to whom was referred an Ordinance  
approving a contract with North Eastern Enterprises Inc., for Contract No. 7721

have had said Ordinance under consideration and beg leave to report back to the Common  
Council that said Ordinance cs PASS.

PAUL M. BURNS - CHAIRMAN

FREDRICK R. HUNTER - VICE CHAIRMAN

VIVIAN G. SCHMIDT

WINFIELD C. MOSES, JR.

JAMES S. STIER

DATE 12-13-77 COM. 116

# Memorandum

To Board of Public Works

Date Oct. 28, 1977

From D. L. Foland

Subject Execution of Contract #7721 - Hillsboro Addition, Sec. I

COPIES TO:

NOTED

☐ P.W.

☐ P.L.

☐ M.B.

Date \_\_\_\_\_

Attached is the original of the above water main contract, submitted for approval as to form and legality and signatures by the members and clerk of the Board of Public Works. After it has been fully executed, please return it so that we may make copies and distribute them to the interested parties.

*D. L. Foland*

D. L. Foland, P.E.  
Chief Water Engineer

DLF/klr

attachment

BOARD OF PUBLIC WORKS

OCT 31 1977

11-14-77

CONTRACT NO. 7721

BOARD ORDER NO. 207-77

WORK ORDER NO. 63387

THIS AGREEMENT, made and entered into this 14 day of November, 1977, by and between NORTH EASTERN ENTERPRISES INC., hereinafter called CONTRIBUTOR, and the FORT WAYNE WATER UTILITY of the City of Fort Wayne, Indiana, by and through the Board of Public Works of said City, hereinafter called UTILITY, WITNESSETH:

That the said Contributor and the said Utility for the consideration hereinafter named, agrees as follows:

1. That the Utility and the Contributor shall proceed dependent upon procurement of materials and labor and with reference to other similar work of said parties to construct 2750± feet of 12" and 3250± ft. of 6" water mains, including all necessary fittings as follows:

On Londonderry Lane from Maplecrest Road eastward to its terminus; also, on Chamsford Drive from Londonderry Lane northward to the north property line of Lot #113. On Rockingham Drive from Londonderry Lane southward to the south property line of Lot #25. On Sullivan Court from Londonderry Lane southward to its terminus. On Windham Court from Londonderry Lane southward to its terminus. On Saxton Run from the north property line of Lot #97 southward to the south property line of Lot #72, and on Rockcroft Court from Saxton Run eastward to its terminus, all in HILLSBORO ADDITION, SEC. I.

2. That said water main system shall be constructed according to the standards, plans, and specifications of the UTILITY, and that said UTILITY shall furnish water thru said water main when completed, in accordance with the rules and regulations of said UTILITY, and the laws, ordinances, and regulations applicable thereto, now in force, or that may hereafter be adopted.

It is, however, understood and agreed that the UTILITY will not furnish water thru any part or parts of the water main covered hereunder unless and until the entire main shall have been pressure-tested, disinfected, and placed in service and accepted by said UTILITY.

3. It is understood and agreed by and between the parties of this Contract that the CONTRIBUTOR shall furnish all materials, contractual labor, and equipment for the construction of said water main through NORTH EASTERN CONSTRUCTION COMPANY INC., at a cost of Seventy Nine Thousand Three Hundred and Twenty Dollars (\$79,320.00) and that said UTILITY shall supply the necessary labor for inspection, pressure-testing, disinfection, engineering, at a cost of Three Thousand One Hundred and Fifty Five Dollars (\$3155.00). Therefore, the total cost of said water main is Eighty Two Thousand Four Hundred and Seventy Five Dollars (\$82,475.00). It is further understood and agreed by and between the parties of this Contract that the said CONTRIBUTOR shall bear the cost of the water main on the basis of a 6" water main, the cost of which is Fifty Seven Thousand Six Hundred and Twenty Five Dollars (\$57,625.00) and which amount is the contract price of this Agreement. Therefore, it is agreed that upon completion and acceptance of said water main system by said UTILITY, the UTILITY will pay to said CONTRIBUTOR the difference between the cost of material, contractual labor, equipment, as supplied by the Contractor, as referred to above and the contract price of this Agreement said difference being Twenty One Thousand Six Hundred and Ninety Five Dollars (\$21,695.00)

4. The UTILITY may approve the extension of additional water mains from the water main covered in this contract without incurring any financial obligations to the CONTRIBUTOR under this Contract.
5. It is further understood and agreed that, upon completion and acceptance by the UTILITY, the water main and fittings installed under this Contract shall form and be a part of the water works system of said UTILITY, and that all rights, title, and interest whatsoever, shall at all times be and remain in the City of Fort Wayne, Indiana.

IN WITNESS WHEREOF, the parties hereto have executed this agreement the day and year first above written.

CITY OF FORT WAYNE, INDIANA

BY: \_\_\_\_\_  
Robert E. Armstrong, its Mayor

BOARD OF PUBLIC WORKS:

Henry P. Weinberg  
Ed. H. Patton

ATTEST:

Marlene Miller

APPROVED AS TO FORM & LEGALITY:

Theresa J. Boush  
Assistant City Attorney

CONTRIBUTOR:

NORTH EASTERN ENTERPRISES, INC.

BY: Joseph L. Zehr  
Joseph L. Zehr, President

Prepared by:  
D. L. Foland  
Fort Wayne Water Utility

3889  
TITLE OF ORDINANCE SPECIAL - CONTRACT #7721 - HILLSBORO ADDITION, SEC. I WATER MAIN

DEPARTMENT REQUESTING ORDINANCE BOARD OF PUBLIC WORKS 8-77-11-37

SYNOPSIS OF ORDINANCE CONTRACT #7721 - HILLSBORO ADDITION, SECTION I WATER MAIN, WITH  
NORTH EASTERN ENTERPRISES, INC.

(CONTRACT ATTACHED)

EFFECT OF PASSAGE INSTALLATION OF WATER MAIN ON LONDONDERRY LANE, ROCKINGHAM, SULLIVAN CT.,  
WINDHAM, SAXTON RUN & ROCKCROFT CT., ALL IN HILLSBORO ADDITION, SEC. I

EFFECT OF NON-PASSAGE INABILITY TO CONSTRUCT WATER MAIN AT ABOVE-DESCRIBED LOCATION

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS) \$79,320.00 BY CONTRACTOR &  
\$3,115.00 BY WATER UTILITY

ALSO AGREED THAT UTILITY WILL PAY CONTRIBUTOR THE DIFFERENCE BETWEEN COST OF MATERIAL,  
CONTRACTUAL LABOR, EQUIP., AS SUPPLIED BY CONTRACTOR THE DIFFERENCE BEING \$21,695.00  
ASSIGNED TO COMMITTEE

City Utilities